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SENATE

{ REPORT
No. 19

SUBSISTENCE AND TRAVEL EXPENSES ALLOWED TO JUDGES

JANUARY 17 (legislative day, JANUARY 8), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 32]

The Committee on the Judiciary, to which was referred the bill (S. 32) to amend title 28, United States Code, section 456, so as to increase to \$15 per day the limit on subsistence expenses allowed to justices and judges traveling while attending court or transacting official business at places other than their official stations, and to authorize reimbursement for such travel by privately owned automobiles at the rate of 7 cents per mile, having considered the same, reports favorably thereon with an amendment, and recommends that the bill, as amended, do pass.

AMENDMENT

On page 2, line 3, strike out the comma following the word "incurred".

PURPOSE OF AMENDMENT

The purpose of the amendment is to make it unmistakably clear that judges shall be paid "all necessary traveling expenses" without limit, and the limit of \$15 per day applies only to "the reasonable maintenance expenses actually incurred."

PURPOSE

The purpose of this bill is to increase the limit on maintenance or subsistence expenses of each Federal justice or judge, either active or retired, designated and assigned to duty and while attending court or transacting official business at a place other than his official station from the presently existing limit of \$10 per day to \$15 per day, and to

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authorize reimbursement for such travel by privately owned automobile at the rate of 7 cents per mile.

Judges and justices, both retired and active, are generous with their time in performing duties outside of their official station when requested and assigned so to do. It is a known fact that both the presently existing \$10 per day subsistence limit and the presently existing 5 cents per mile for private automobile travel are entirely inadequate in reimbursing the judges for their actual out-of-pocket travel expenditure. When they accept said assignments they know that their doing so will serve as a reduction in their salary.

The mere statement of these self-evident facts shows the complete justification for this bill. No judge should be asked to perform extra services at a personal financial loss to himself.

Attached hereto and made a part of this report is letter of February 18, 1949, from Hon. Henry P. Chandler, Director, Administrative Office of United States Courts, to Senator McCarran.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS,
Washington 13, D. C., February 18, 1949.

HON. PAT. MCCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR MCCARRAN: In response to your request for a report on a bill pending before your committee (S. 48) to increase to \$15 a day the limit on subsistence expenses of Federal justices and judges while engaged in official travel, and to authorize reimbursement for such travel by privately owned automobiles at the rate of 7 cents per mile, I would say that this is a measure recommended by the Judicial Conference of the United States in order to correct the inadequacy in the present provisions for reimbursement. The Judicial Conference took this action at its regular annual meeting held last September. Section 456 of title 28 of the United States Code revised provides that every justice or judge of the United States, including retired judges while assigned to active duty, shall be paid their necessary traveling expenses and also their "reasonable maintenance expenses actually incurred, not exceeding \$10 per day, while attending court or transacting official business" away from their official stations. This provision continued the maximum limit of \$10 per day upon expenses of subsistence which had been established by a law approved April 22, 1940 (54 Stat. 149).

It is a matter of common knowledge that there has been a drastic increase in the cost of lodging and meals, the principal items of subsistence, since 1940. The cost of living generally in that interval according to the statistics of the Labor Department, has risen 70.9 percent. The increase in the cost of hotel accommodations and meals tends to be especially marked in large cities where many of the assignments of Federal judges away from their headquarters are served. The cost in less populous communities and rural districts is less, although everywhere it has risen greatly since 1940. Ten dollars a day no longer covers the subsistence expenses of judges in many places to which their duty calls them. Consequently it operates as a reduction of their salary which in many instances is substantial.

The pending bill if enacted will merely raise the maximum for subsistence expenses from \$10 to \$15 a day. The actual expenses within the maximum will still be the measure, and if they are less than \$15 a day, as in many instances they will be, the actual expenses are all that will be paid.

The other provision of the bill which is contained in the last sentence provides that justices and judges may be reimbursed for official travel performed in privately owned automobiles at the rate of 7 cents per mile instead of 5 cents, which is the limit for judges as well as Government personnel generally under the present law (5 U. S. C. 73a). This limit was established by an act approved March 3, 1933 (47 Stat. 1516), and it needs no argument that the cost of operating automobiles has greatly increased since that time. This applies to all the substantial elements involved including the price of gasoline, the cost of amortization due to the sharp advance in the price of automobiles which has almost doubled since 1939, and the cost of replacements and repairs.

For the reasons stated the increase in the maximum allowance for subsistence and in the rate of reimbursement for the use of privately owned automobiles is

necessary in order to make the Federal judges whole for their expenses of travel incurred in the performance of their official duties. The present limitations are unjust and the pending bill will do no more than correct them. Accordingly, I trust that it may receive the favorable consideration of your committee and in due course be enacted.

Sincerely yours,

HENRY P. CHANDLER.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SEC. 456. TRAVELING EXPENSES OF JUSTICES AND JUDGES

Each justice or judge of the United States and each retired justice or judge recalled or designated and assigned to active duty, shall, upon his certificate, be paid by the Director of the Administrative Office of the United States Courts all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred ~~[],~~ not exceeding ~~[\$10]~~ \$15 per day, while attending court or transacting official business at a place other than his official station. *Justices and judges may be reimbursed for such travel by privately owned automobile upon their certificate at the rate of 7 cents per mile in lieu of actual expenses.*

The official station of the Chief Justice of the United States, the Justices of the Supreme Court and the judges of the Court of Claims, the Court of Customs and Patent Appeals, the United States Court of Appeals for the District of Columbia, and the United States District Court for the District of Columbia, shall be the District of Columbia.

The official station of the judges of the Customs Court shall be New York City.

The official station of each circuit and district judge, including each district judge in the Territories and possessions, shall be that place nearest his residence at which a district court is regularly held.

Each circuit judge and each district judge whose official station is not fixed expressly herein shall upon his appointment and from time to time thereafter, as his residence may change, notify the Director of the Administrative Office of the United States Courts in writing of his residence and official station.



